

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DENISE JONES,

Plaintiff,

v.

CASE NO. 13-CV-13754  
HONORABLE GEORGE CARAM STEEH

MICHIGAN DEPARTMENT  
OF CORRECTIONS,

Defendant.

\_\_\_\_\_ /

**ORDER GRANTING DEFENDANT'S MOTION TO DISMISS (Doc. 3)**

Pro se plaintiff Denise Jones brought this disability discrimination case pursuant to the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. § 12111-12117. Defendant Michigan Department of Corrections ("MDOC") moves to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) on the basis of sovereign immunity. Having shown it is entitled to sovereign immunity, defendant is entitled to dismissal here. The Supreme Court has held that a claim under the employment provisions of the ADA is barred by the Eleventh Amendment. Bd. of Trs. of Univ. of Alabama v. Garrett, 531 U.S. 356, 356 (2001). In opposition to defendant's motion, plaintiff relies on Court of Appeals cases decided in the 1990s. Those cases have been abrogated by the Supreme Court's decision in Garrett. Under the holding in Garrett, the MDOC is immune from suit in federal court under the Eleventh Amendment because it is an arm of the state. Defendant also moves to dismiss plaintiff's Title VII claim, but in her response, plaintiff states that she is not pursuing any Title VII claim. Accordingly,

IT IS ORDERED that defendant's motion to dismiss (Doc. 3) is GRANTED and this case is DISMISSED WITHOUT PREJUDICE.

**IT IS SO ORDERED.**

Dated: March 3, 2014

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on March 3, 2014, by electronic and/or ordinary mail and also on Denise Lavender Jones, 231 West Troy #2045, Ferndale, MI 48220.

s/Barbara Radke  
Deputy Clerk